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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,763	05/31/2001	David Anthony Gawler	5034	6099
26936 7590 07/18/2008 SHOEMAKER AND MATTARE, LTD 10 POST OFFICE ROAD - SUITE 110 SILVER SPRING, MD 20910				
EXAMINER				
ROBINSON BOYCE, AKIBA K				
ART UNIT		PAPER NUMBER		
3628				
MAIL DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/867,763

**Applicant(s)**

GAWLER, DAVID ANTHONY

**Examiner**

AKIBA K. ROBINSON BOYCE

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Visit Date: 3/15/08, 3/21/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. In view of the **Appeal Brief** filed on **9/1/06**, PROSECUTION IS HEREBY REOPENED. **A new ground of rejection** is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/JOHN W HAYES/  
Supervisory Patent Examiner, Art Unit 3628

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10, 12-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kara (US 2005/0071297 A1).

As per claim 1, Kara discloses:

a postage charge dispenser configured to generate postage indicia and account for postage charges, ([0153], each time indicia is printed, amount down counter decrements initial value by the postage amount);

a printer operable to print the postage indicia as generated by the postage charge dispenser on mail items, ([0017], printer prints desired postage indicia;

a display, ([0049], and Fig. 17, Display for personalizing a selected postal indicia);

a controller for driving the display to display a depiction of a postage indicium to be printed on a mail item, the depicted postage indicium including a plurality of data items modifiable by a user, which data items include at least one data item related

to postage charge, and being operable to provide data representative of the data items to the postage charge dispenser, ([0125], and [0169], shows allowing user to select/create postage indicia, and Fig. 8, shows screen 80, which is a display that displays standard postal indicia, or allows a user to change indicia, Fig. 8 [811] shows indicia includes \$0.29 and also represents the depiction of postage indicium, also sample indicia displayed is shown in [0126], which can also represent a depiction of postage indicium, in this case "a controller" is inherent with Kara since some type of means is necessary for controlling display output based on user input);

a data item selector operable by the user to select any one of the data items in the depicted postage indicium and cause the controller to drive the display to display a plurality of possible item entries for the selected data item; and an item entry selector operable by the user to select one of the possible item entries for the selected data item and cause the controller to drive the display to display a modified depiction of the postage indicium including the selected item entry for the data item, ([0126]-[0127] shows more than one sample indicia that a user can select, where Box 816 represents one of the data items, and new screen 160 show a selection menu which represents the item entry selector).

As per claim 2, Kara discloses:

wherein the data item selector comprises a screen pointing device, ([0017], system interfaces with user through mouse).

As per claim 3, Kara discloses:

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wherein the screen pointing device comprises one of a mouse, a tracker ball, a touch pad or a touch screen, ([0017], system interfaces with user through mouse).

As per claim 4, Kara discloses:

wherein the item entry selector comprises a screen pointing device, ([0017], mouse).

As per claim 5, Kara discloses:

wherein the screen pointing device comprises one of a mouse, a tracker ball, a touch pad or a touch screen, ([0017], mouse).

As per claims 6, 14, Kara discloses:

wherein the possible item entries for the selected data item are superimposed on the depiction of the postage indicium, ([0125], shows ability to import a new postage indicia to replace the standard indicia shown in the top right hand corner of Fig. 8,)

As per claims 7, 15, Kara discloses:

wherein the data items include postage value, Fig. 8 [811] shows indicia includes \$0.29).

As per claims 8, 16, Kara discloses:

wherein the data items include postage class, ([0028], class, and Fig. 8 [809]).

As per claims 9, 17, Kara discloses:

wherein the data items include date, (Fig. 8, [811]).

As per claims 10, 18, Kara discloses:

wherein the data items include destination, (Fig. 8, [805]).

As per claim 12, 20, Kara discloses:

a weighscale for determining the weight of mail items, the weighscale being operable to provide data representative of the weight of a mail item to the controller and the controller being configured automatically to select the postage value for the mail item, ([0028], weight, and Fig. 8 [810]).

As per claim 13, Kara discloses:

displaying a depiction of a postage indicium to be printed on a mail item, the depicted postage indicium including a plurality of data items modifiable by a user, which data items include at least one data item related to postage charge; selecting one of the data items in the depicted postage indicium to be modified; displaying a plurality of possible item entries for the selected data item; selecting one of the possible item entries for the selected data item, ([0125], and [0169], shows allowing user to select/create postage indicia, and Fig. 8, shows screen 80, which is a display that displays standard postal indicia, or allows a user to change indicia, Fig. 8 [811] shows indicia includes \$0.29 and also represents the depiction of postage indicium, also sample indicia displayed is shown in [0126], which can also represent a depiction of postage indicium, in this case "a controller" is inherent with Kara since some type of means is necessary for controlling display output based on user input, [0126]-[0127] shows more than one sample indicia that a user can select, where Box 816 represents one of the data items, and new screen 160 show a selection menu which represents the item entry selector).

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displaying a modified depiction of the postage indicium including the selected item entry for the data item, ([0125], lines 1-15, shows ability to import a new postage indicia to replace the standard indicia shown in the top right hand corner of Fig. 8)

generating a postage indicium corresponding to the modified depiction of the postage indicium, [0125], lines 16-17), shows user may change or add new indicia, [0130], shows process is repeated); and

printing the postage indicium on a mail item, (sends data pertaining to postage indicia to be printed on an envelope, letter, card or label).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kara (US 2005/0071297 A1).

As per claims 11, 19, Kara does not specifically disclose the following, however, does disclose address destinations as shown in Fig. 8, [805] and postage zone in Fig. 8 [808].



However, official notice is taken that it is old and well known in the postage art for destinations to be represented on a map. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for destinations to be represented on a map with the motivation of having means to locate where the destination is in a particular postage zone in order to calculate the correct postage.

6. Claims 21, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heiden (US 5,710,707).

As per claims 21, 27, Heiden discloses:

a message transmitter operable to transmit messages relating to batches of mail to a remote data center/ transmitting messages relating to batches of mail to a remote data center; receiving messages from the remote data center as an acknowledgment in reply to the transmitted messages, (Col. 13, line 42-Col. 15, line 21, transmitting message to printing apparatus, where printing apparatus is at the data center as shown in Fig 1 and Fig 3, the printing apparatus and data center are connected (see 10);

a message receiver for receiving messages from the remote data center as an acknowledgment in reply to each transmitted message, (col. 15, line 64-col. 16, line 16, data carrier may input a message into the secondary accounting apparatus/then follows acknowledgment steps);

a display for displaying message areas corresponding to each transmitted message; and a controller for operating the display to display the message areas with a first visual appearance on transmission of the respective messages to the remote data

center and a second, different visual appearance on receipt of the respective messages from the remote data center/displaying message areas on a display corresponding to each transmitted message, the message areas being displayed with a first visual appearance on

transmission of the respective messages to the remote data center and a second, different visual appearance on receipt of the respective messages from the remote data center., (Col. 13, lines 21-22, display a message of acknowledgement, w/ col. 13, line 57-59, in this case "a controller" is inherent with Heiden since some type of means is necessary for controlling display output based on message input).

7. Claims 22, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heiden (US 5,710,707), and further in view of Kara (US 5,812,991).

As per claims 22, 28, Heiden does not disclose wherein the controller includes a time-out function for displaying message areas with a third, different visual appearance where a message is not received from the remote data center within a predetermined period of time following transmission of the message to the remote data center, but does disclose the display of at least 2 types of messages as shown above for claim 21.

However, Kara discloses a time-out/error message in col. 18, line 53-col. 19, line 6. It would have therefore been obvious to combine the teachings of Heiden and Kara to

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disclose a time-out function for displaying message areas with a third, different visual appearance where a message is not received from the remote data center within a predetermined period of time following transmission of the message to the remote data center. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose a time-out function for displaying message areas with a third, different visual appearance where a message is not received from the remote data center within a predetermined period of time following transmission of the message to the remote data center with the motivation of displaying a message that the system is not functioning.

8. Claims 23-26, 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heiden (US 5,710,707), and further in view of Mozdzer et al (US 2001/0010524 A1).

As per claims 23-26, 29-32 Heiden does not specifically disclose wherein the different visual appearances are represented by different colours/wherein the different visual appearances are represented by different shades/wherein the different visual appearances are represented by different patterns/wherein the different visual appearances are represented by different characters, however does disclose displaying messages as shown above for claim 21.

However, Mozdzer et al discloses different characters can be indicated for display in [0027]. It therefore would have been obvious to combine the teachings of Heiden and Mozdzer et al to disclose wherein the different visual appearances are represented by different colours/wherein the different visual appearances are

represented by different shades/wherein the different visual appearances are represented by different patterns/wherein the different visual appearances are represented by different characters.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention different visual appearances are represented by different colours/wherein the different visual appearances are represented by different shades/wherein the different visual appearances are represented by different patterns/wherein the different visual appearances are represented by different characters with the motivation of displaying different appearances.

#### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

•Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.  
July 17, 2008

/Akiba K Robinson-Boyce/  
Primary Examiner, Art Unit 3628